

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

SHLETTA BOONE

V.

TEXAS DEPARTMENT OF AGING  
AND DISABILITY SERVICES

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§  
§  
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§  
§

CASE NO. 4:11CV648  
(Judge Clark/Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 16, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Texas Department of Aging and Disability Services' Amended Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) [Doc. #16] be granted in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Texas Department of Aging and Disability Services' Amended Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) [Doc. #16] is GRANTED in part, and Plaintiff's claims under the FLSA, for intentional infliction of emotional distress, and

for punitive damages are **DISMISSED**.

So **ORDERED** and **SIGNED** this **16** day of **April, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge